

2019 VULNERABLE ADULT ABUSE CONFERENCE

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Rio Salado College Conference Center
M & M Room
Tempe, Arizona



VULNERABLE ADULT ABUSE 101

Presented by:

JIM SEEGER

Deputy County Attorney
Maricopa County Attorneys' Office
&

HILARY WEINBERG

Family Violence West Bureau Chief
Maricopa County Attorneys' Office

Distributed by:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
1951 West Camelback Road, Suite 202
Phoenix, Arizona 85015

ELIZABETH BURTON ORTIZ
EXECUTIVE DIRECTOR

Vulnerable Adult Abuse 101



Presented by:
Hilary Weinberg, Bureau Chief
Family Violence West
Maricopa County Attorney's Office

Jim Seeger, Asst. Bureau Chief
Family Violence West
Maricopa County Attorney's Office

WHY THESE CASES ARE IMPORTANT TO ME



Vulnerable Adult Abuse

- What is it?
- How many people are affected by it?
- What does it look like?
- What should you do if you think you see it?



Many Forms of VA



Types of Vulnerable Adult Abuse



Some Numbers

- In Arizona, by 2020, 1 in 4 Arizonans will be over the age of 65
- 65% of the Nation's Wealth is owned by seniors over the age of 65
- Almost 50% of those over the age of 85 will suffer from some form of dementia
- Financial Exploitation of the Elderly is the 2nd most common crime in the U.S.



2-5 MILLION OLDER AMERICANS
EXPERIENCED ABUSE OVER ONE YEAR,
AND MANY EXPERIENCED IT IN MULTIPLE FORMS.



Incidence of Vulnerable Adult Abuse



FOR EVERY REPORT OF ABUSE
23.5 CASES GO UNREPORTED



Physical Abuse

- Beating
- Shaking
- Kicking
- Throwing objects
- Force feeding
- Pinching
- Burning
- Strangling
- Unreasonable restraint
- Misuse of medications
- Assault with a deadly weapon



Signs & Symptoms: Physical Abuse

- Reports of being hit, slapped, kicked, or assaulted
- Bruises, black eyes, welts, lacerations, and rope marks
- Broken eyeglasses/frames
- Bone fractures, broken bones (hips and pelvis), and skull fractures
- Open wounds, cuts, punctures, burns, and other injuries in various stages of healing



Bruising Study

- 2002 study by Irving College of Medicine
- 101 people over 65 and older – avg 85
- Examined head to toe for 2 weeks
- 90% of bruises were on extremities
- NOT 1 accidental bruise on neck, ears, genitals, buttocks or soles of feet
- Most common color 1st day – Red/Purple
- Some new bruises were yellow....



Senile Purpura vs. Bruise

The skin develops a purplish or reddish brown appearance due to bleeding of small blood vessels underneath.



Deliberate Bruising - Study

- Orange County APS helped researchers
- 67 people 65 and older – confirmed abuse
- Significantly larger bruises- 2 inches +
- 91% knew what caused the bruise, compared to non-abused group, only 28.6% knew the cause
- Bruises on head, neck, face, ears, feet and back torso
- Noted significant bruising on right arm



Indicators of Neglect

- Multiple/severe bruises/Black Eyes
- Restrained, tied to bed
- Poor hygiene/Soiled clothes & Bedding
- Broken Glasses/frames
- Poor Skin Condition
- Untreated Injuries
- Burns
- Dehydration
- Overmedicating
- Bed Sores
- Rapid Weight loss without illness



Financial Exploitation

- Exploitation of property, resources, and assets
 - Denying access
 - Stealing, hiding
 - Purposeful mismanagement, deception
 - Fraud, extortion, forging
 - Improper use of legal document
 - Identity theft



Sources of Information

Victim
Family
Caregivers
Financial Services Providers
Prior Proceedings



Dealing with Diminished Capacity

- Multiple Shorter Interviews
- Times of Day
- Medical Records
- Evidence Based



Hurdles to Cooperation

- Financial Support
- Attachment to Abuser
- Fear of Displacement
- Embarrassment



A.R.S. §13-3623 - Child or Vulnerable Adult Abuse

- “Vulnerable Adult” means an individual 18 years of age or older and who is unable to protect him/herself from abuse, neglect or exploitation by others because of a mental or physical impairment.



A.R.S. §13-3623(A) – Vulnerable Adult Abuse

Under circumstances likely to cause serious physical injury or death,

1. Person causes a vulnerable adult to suffer injury; OR
2. Having care and custody of a vulnerable adult (VA),
 - a) causes or permits the person or health to be injured, OR
 - b) Causes or permits VA to be placed in a situation where person or health is endangered



A.R.S. §13-3623(B) – Vulnerable Adult Abuse

Under circumstances other than those likely to cause serious physical injury or death,

1. Person causes a vulnerable adult to suffer injury; OR
2. Having care and custody of a vulnerable adult (VA),
 - a) causes or permits the person or health to be injured, OR
 - b) Causes or permits VA to be placed in a situation where person or health is endangered



A.R.S. §13-3623(D) – Emotional Abuse of VA

1. Having *care and custody* of a vulnerable adult;
2. Intentionally or knowingly subjects or permits the VA to be subjected to emotional abuse

Emotional Abuse = A pattern of:

1. Ridiculing or demeaning
2. Making derogatory remarks
3. Verbally harassing
4. Threatening to inflict physical or emotional harm

13-3623 (F)(3)



“CARE AND CUSTODY”

- According to Webster:

Care = “charge, supervision, management, responsibility for or attention to safety and well-being.”

Custody = “protection, care, maintenance....”

- According to Ariz. Supreme Court:

“[B]oth ‘custody’ and ‘care’, as they relate to 13-3623, imply accepting responsibility for a [VA] in some manner.”

State v. Jones, 188 Ariz. 388 at 392 (1997)



PENALTIES

3623(A) – Circumstances likely:

Intentional/knowing = Class 2 felony

Reckless = Class 3 felony

Negligent = Class 4 felony

3623(D) – Emotional:

Class 6 felony

3623(B) – Circumstances other than those likely:

Intentional/knowing = Class 4 felony

Reckless = Class 5 felony

Negligent = Class 6 felony

13-902(E) – Probation:

May be up to lifetime probation



Charging Reminder

A.R.S. 46-457(C) - A copy of the complaint or indictment shall be submitted to the Attorney General within 30 days after arraignment if a VA is the victim of:

- Vulnerable Adult Abuse
- Homicide
- Endangerment
- Assault
- Aggravated Assault
- Unlawful Imprisonment
- Kidnapping
- Public Sexual Indecency
- Sexual Abuse
- Sexual Assault
- Theft
- Issuing a Bad Check
- Forgery
- Fraud Schemes



Sentencing/Disposition

1. Court shall endorse the Attorney General on sentencing minute entry or dismissal/judgment of acquittal.



Adult Protective Services

APS can:

1. Receive reports of abuse, neglect and exploitation of VA
2. Evaluate the need for protective services and offer services based on need, availability and acceptance
3. Refer for guardianship or conservatorship
4. Obtain medical, financial, and psychiatric records upon written request, subject to redaction



Adult Protective Services

APS cannot:

1. Remove an adult from a home against the adult's wishes
2. Prevent a capacitated adult from using financial resources as s/he wishes
3. Serve as guardian or conservator, or manage finances
4. Make a determination of capacity; court decision
5. Provide opinion regarding safe discharge from any type of care facility
6. Be a first responder
7. Interfere in a capacitated adult's lifestyle
8. Require the adult to accept services, including from APS



Multi-Disciplinary Team Approach

- Law Enforcement
- Prosecution (County and AG)
- APS



Resources

- **Vulnerable Adult Abuse and Exploitation Protocol**
- **Adult Protective Services (APS)-Adult Abuse Hotline:**
(877) SOS-ADULT [(877) 767-2385]
TDD: (877) 815-8390
www.azdes.gov/reportadultabuse
- **Area Agency on Aging - 24-hour Senior HELPLINE:**
(602) 264-HELP [(602) 264-4357]



Contact Information

Hilary Weinberg
(602) 372-0088

weinberh@mcao.Maricopa.gov

Jim Seeger
(602) 372-1454

seegerj@mcao.Maricopa.gov


